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ADMITTED IN NY, CT, PA, MA

April 26, 2022

**VIA ECF**

Honorable Andrew E. Krause, U.S.M.J.  
United States District Court  
Southern District of New York  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601-4150

Re.: Jimenez Belliard, et al. v. Westchester Metal Works, Inc., et al.  
Docket No.: 21 Civ. 01056 (CS)  
*Westchester Metal - Belliard & Baez*  
Our File No.: 00636.00014

Dear Judge Krause:

We are recently substituted counsel for the Defendants in the above-referenced matter and jointly submit this letter with counsel for the Plaintiffs to request a 90-day extension of the deposition and discovery deadlines.

The reason for this request is that substituted counsel requires additional time to review documentary discovery already exchanged and also to respond to Plaintiffs' additional document demands. We have been working with the Defendants to marshal the additional documents that have been requested. In addition, we are requesting an adjournment of the previously scheduled mediation before Davida Perry to the month of May pending the availability of the mediator and that of the parties. We are also requesting an adjournment of the telephone status conference currently set for April 28, 2022 at 11:30 a.m.

If the mediation is unsuccessful, the parties have agreed that Susana Oliveria, will serve as the 30(b)(6) representative of the corporate Defendants, and that Defendant David Oliveria will also be made available for depositions. Defendants also intend to depose the named Plaintiffs. Moreover, following the party depositions, Plaintiffs intend to file a motion for class certification and require sufficient time to prepare their motion.

Please Address Replies To:  
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This is the parties' first request of an adjournment in this action. We thank the Court for its attention to this matter.

Respectfully submitted,



Thomas S. Tripodianos

TST/mlc

cc: All Counsel of Record (via ECF)

Saul Zabell, Esq.  
Zabell & Collatta, PC

Davida S. Perry (via email [dperry@sphlegal.com](mailto:dperry@sphlegal.com))  
Schwartz Perry & Heller LLP

The parties' letter motion is GRANTED IN PART and DENIED IN PART.

(1) The application to extend deposition and discovery deadlines is GRANTED. By May 4, 2022, the parties must file a proposed revised case management plan on ECF using the template available at <https://nysd.uscourts.gov/hon-andrew-e-krause>.

(2) Any request for an adjournment of the mediation must be made directly to the assigned mediator. To the extent the parties are requesting that the undersigned issue an order adjourning the mediation, that request is DENIED.

(3) The status conference currently scheduled for April 28, 2022 is hereby ADJOURNED to June 13, 2022 at 10:30 a.m.

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 44.

Dated: April 26, 2022

**SO ORDERED.**



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ANDREW E. KRAUSE  
United States Magistrate Judge